

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID FOREMAN,	§	
	§	
Defendant Below,	§	No. 133, 2020
Appellant,	§	
	§	Court Below—Superior Court
v.	§	of the State of Delaware
	§	
STATE OF DELAWARE,	§	Cr. ID No. 1007011701 (S)
	§	
Plaintiff Below,	§	
Appellee.	§	

Submitted: May 6, 2020

Decided: June 12, 2020

Before **VALIHURA, VAUGHN**, and **TRAYNOR**, Justices.

ORDER

After careful consideration of the appellant’s opening brief, the State’s motion to affirm, and the record on appeal, we conclude that the judgment below should be affirmed on the basis of the Superior Court’s order, dated March 4, 2020 and docketed March 6, 2020, denying the appellant’s fourth motion for postconviction relief as procedurally barred. As the Superior Court observed, the appellant has not pleaded any circumstances under Rule 61(d)(2)(i) or (d)(2)(ii) that overcome the procedural bars set forth in Rule 61,¹ nor does he claim that the Superior Court lacked jurisdiction.²

¹ Del. Super. Ct. Crim. R. 61(i).

² *Id.* R. 61(i)(5).

NOW, THEREFORE, IT IS ORDERED that the motion to affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ James T. Vaughn, Jr.
Justice